

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S.; and JOHN and MARY ELLEN)	Docket No. 04-150E
S., on behalf of their daughter, LEIGH)	(Judge Sean J. McLaughlin)
ANN S., a minor,)	
)	ELECTRONICALLY FILED PLEADING
Plaintiffs,)	
)	JURY TRIAL DEMANDED
vs.)	
)	JOINT MOTION TO MODIFY PRETRIAL
GIRARD SCHOOL DISTRICT;)	SCHEDULE
ROBERT SNYDER, Individually and in)	
his capacity as Principal of the Rice)	Filed on behalf of: Plaintiffs and Defendants
Avenue Middle School; and GREGORY)	
YARBENET, a professional employee of)	Counsel of record for these parties:
the Girard School District,)	
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JOINT MOTION TO MODIFY PRETRIAL SCHEDULE

Plaintiffs and defendants Girard School District and Robert Synder, through their undersigned counsel, respectfully move the Court for an Order modifying the pretrial schedule in this action and state in support as follows:

1. Plaintiffs' complaint in this action asserted claims against the Girard School District, Robert Snyder, individually and in his capacity as Principal of the Rice Avenue Middle School, and Gregory Yarbenet, a former teacher in the Girard School District.

2. Plaintiffs' complaint asserted various theories of liability, including claims under Title IX of the Education Act, 20 U.S.C. § 1681, 42 U.S.C. § 1983 and state law.

3. The parties have engaged in extensive discovery in this case, including approximately thirty-five (35) depositions and several sets of written discovery by each party.

4. Plaintiffs recently filed a Motion to Amend their complaint and attached extensive discovery materials to that motion.

5. Plaintiffs' Motion to Amend, *inter alia*, seeks to drop plaintiffs' Title IX theory of liability and proceed under § 1983 as plaintiffs' sole federal cause of action.

6. It has been the intent of defendants Girard School District and Robert Snyder to file dispositive motions attacking the legal sufficiency of some or all of plaintiffs' claims. The dispositive motions contemplated by defendants included an attack on the adequacy of the factual record to support plaintiffs' Title IX claim and a legal attack on the ability of plaintiffs to assert a Title IX claim against defendant Snyder or to proceed with a § 1983 claim in connection with their Title IX claim.

7. Plaintiffs' Motion to Amend, if granted, will significantly alter the content of the dispositive motions of the School District and Robert Snyder.

8. The disposition of plaintiffs' Motion to Amend will also significantly affect the content of plaintiffs' Pretrial Narrative Statement. .

9. Under the Court's Case Management Order, plaintiffs' Pretrial Narrative Statement, all dispositive motions and a response to the motion to amend are due on August 15, 2005.

10. The parties have attempted to complete all discovery in this case, but despite their efforts, certain discovery could not be completed. This discovery includes the deposition of a non-party witness who received a subpoena for her deposition but did not appear for reasons represented to be beyond the witness's control. The parties are attempting to reschedule this deposition.

11. In addition, plaintiffs have recently located individuals who they believe may have information relevant to the case and have recently produced to defendants' counsel statements or affidavits from these individuals. Defendants will likely need to depose some or all of these individuals.

12. Plaintiffs also previously noticed Rule 30(b)(6) depositions regarding a variety of subjects which remain to be concluded.

13. Based upon the foregoing, the parties respectfully submit that good cause exists to modify the Court's Case Management Order in this case

14. The parties propose the following modified pretrial schedule:

- a. All remaining discovery shall be completed by September 30, 2005;
- b. Defendants shall file a response to plaintiffs' motion to amend complaint on or before August 22, 2005;
- c. Plaintiffs' Pretrial Statement shall be filed on or before October 20, 2005;

- d. Defendants' Pretrial Statements shall be filed on or before November 18, 2005;
- e. All dispositive motions with supporting briefs and record materials shall be filed on or before October 20, 2005; and
- f. Responses to dispositive motions with supporting briefs and record materials shall be filed on or before November 12, 2005

15. The parties respectfully submit that the foregoing modification of the pretrial schedule will promote the efficient disposition of this case and the ends of justice.

WHEREFORE, the parties respectfully request that the Court grant their joint motion to modify the case management order as set forth herein.

Respectfully submitted,

**KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.**

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